

**Harvey, [REDACTED] Mr, DoD OGC**

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**From:** Hodges, Keith [REDACTED]

**Sent:** Thursday, February 23, 2006 08:49

**To:** [REDACTED]

**Cc:** [REDACTED]

**Subject:** Presiding Officer's Ruling - US v. Muhammad - Defense Motion for a Continuance

**SUBJECT:** Presiding Officer's Ruling - US v. Muhammad - Defense Motion for a Continuance

1. The Defense filed a motion for a continuance citing personal and other reasons that an essential member of the Defense team may not be able to appear at the session at Guantanamo scheduled for the February 2006 trial term. The Prosecution elected to waive responding to that motion.

2. At the request of the Presiding Officer, the Defense provided other dates for a session as indicated in the below email.

3. The Presiding Officer has carefully considered the reasons for the delay, the need for a full and fair trial, and grants the motion in that:

- a. The session scheduled for the February trial term in US v. Muhammad is cancelled.
- b. A session will be held in US v Muhammad on 6 and 7 April 2006 at Guantanamo Bay.
- c. The Presiding Officer will rule on D 1 in due course.

4. This email, the defense motion, and other email correspondence related to the motion will be added to the inactive portion of the filings inventory as D 2 and made a Review Exhibit.

5. The Defense is invited and encouraged to present the privileged matters that are said to exist, but not disclosed, in D 1 to the Presiding Officer under seal. This might assist the Presiding Officer in researching the law on the matter in advance thereby making any resolution of D 1 more efficient.

/s/

**RALPH H. KOHLMANN**  
Colonel, U.S.M.C.  
Presiding Officer

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